

## Members of Congress Call for Investigations by Departments of Defense, Department of Justice and GAO

Washington, DC – Rep. Zoe Lofgren (D-San Jose) and 38 other Members of Congress requested investigations by the Department of Defense, Department of Justice and the Government Accountability Office into reports that the President authorized and the National Security Agency (NSA) engaged in espionage of persons inside the United States without obtaining court-ordered warrants. The signers asked that the investigations be held immediately and that the findings be presented to Congress by January 31, 2006. Below is the text of the letter:

December 20, 2005

Thomas F. Gimble, Acting Inspector General

United States Department of Defense

c/o Office of the Inspector General of the Department of Defense

Office of Communications and Congressional Liaison

400 Army Navy Drive

Arlington, VA 22202-4704

Glenn A. Fine, Inspector General

United States Department of Justice

Office of the Inspector General

950 Pennsylvania Avenue, N.W., Suite 4706

Washington, DC 20530-0001

David M. Walker

Comptroller General

U.S. Government Accountability Office

441 G Street, NW

Washington, DC 20548

Dear Sirs:

We, the undersigned Members of Congress, write to seek immediate investigations of reports that the Attorney General has authorized and that the National Security Agency (NSA) has engaged in espionage of persons inside the United States without obtaining court-ordered warrants authorizing these searches.

The New York Times reports that since 2002 the NSA has monitored international telephone calls and email messages of hundreds and possibly thousands of people inside the United States without warrants.[i] According to this report, the NSA began conducting such domestic surveillance following a 2002 order by the President of the United States. Furthermore, the report states that, even according to its own officials, such domestic espionage is unprecedented in the NSA's history.

It is apparent that such domestic surveillance violates section 1802(a) of the Foreign Intelligence Surveillance Act, 50 U.S.C. § 1802(a). That law permits electronic surveillance of communications without a court order only if the Attorney General certifies that (1) these communications are exclusively between or among foreign powers; and (2) there is no substantial likelihood that the surveillance will acquire the contents of any communication to which a United States person is a party.[ii] According to the report in the New York Times, the NSA appears to have routinely violated these prohibitions by conducting surveillance on at least 500 and possibly thousands of individuals located in the United States, "including American citizens [and] permanent legal residents"[iii] who are United States persons within the meaning of FISA.[iv]

We ask that you begin immediate investigations of these alleged violations of the law and misuse of appropriated funds by the Attorney General of the United States, the Director of the National Security Agency, and any of their subordinate officials. We ask that you be ready to brief us, the undersigned Members of Congress, on the results of your investigations no later than January 31, 2006.

Sincerely,

Zoe Lofgren (D-CA)

Gary Ackerman (D-NY)

Brian Baird (D-WA)

Howard Berman (D-CA)

Earl Blumenauer (D-OR)

Madeleine Bordallo (D-GU)

Rick Boucher (D-VA)

Sherrod Brown (D-OH)

Lois Capps (D-CA)

Julia Carson (D-IN)

John Conyers (D-MI)

Peter DeFazio (D-OR)

Diana DeGette (D-CO)

John Dingell (D-MI)

Eliot Engel (D-NY)

Barney Frank (D-MA)

Al Green (D-TX)

Raul Grijalva (D-AZ)

Michael Honda (D-CA)

Jay Inslee (D-WA)

Barbara Lee (D-CA)

Nita Lowey (D-NY)

Carolyn Maloney (D-NY)

Edward Markey (D-MA)

Doris Matsui (D-CA)

James McGovern (D-MA)

Martin Meehan (D-MA)

George Miller (D-CA)

Jerrold Nadler (D-NY)

Steven Rothman (D-NJ)

Bernard Sanders (I-VT)

Janice Schakowsky (D-IL)

Allyson Schwartz (D-PA)

Bobby Scott (D-VA)

Adam Smith (D-WA)

Ted Strickland (D-OH)

Bennie Thompson (D-MS)

Mark Udall (D-CO)

Chris Van Hollen (D-MD)

[i] See “Bush Lets U.S. Spy on Callers without Courts,” James Risen and Eric Lichtblau, New York Times, Dec. 16, 2005.

[ii] See 50 U.S.C. § 1802(a)(1).

[iii] See n. 1.

[iv] “United States persons” include U.S. citizens, lawful permanent residents, U.S. corporations, or associations consisting of a substantial number of U.S. citizens or permanent residents. See 50 U.S.C. § 1801(i).